

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MERCEDES-BENZ U.S.A LLC,

Plaintiff/Counterclaim Defendant,

v.

COAST AUTOMOTIVE GROUP, LTD., and
TAMIM SHANSAB,

Defendants/Counterclaimants/Third
Party Plaintiffs,

v.

DAVID MICHAEL MOTOR CARS CORP.,
RAY CANTENA MOTOR CARS CORP., and
CONTEMPORARY MOTORCARS, INC.,

Third Party Defendants.

ORDER

Civil Action No.: 99-3121 (WHW)

Walls, Senior District Judge

These matters having been opened to the Court on defendants/counter-claimants/third-party plaintiffs Coast Automotive Group Ltd. (“Coast”) and Tamim Shansab (“Shansab”) (collectively “Coast defendants”) Motion for Partial Summary Judgment as to Counts I and II of the Counterclaim; Motion for Summary Judgment as to All Counts of the Amended Complaint; and Motion to Exclude the Testimony of Albert Parziale; as well as plaintiff Mercedes-Benz USA, LLC’s (“MBUSA”) Motion to Strike the Expert Testimony and Opinions of Howard M. Markovitz and John A. Del Roccili, Ph.D; and Motion for Summary Judgment; as well as third-

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party defendant Contemporary Motor Cars, Inc.'s Motion for Summary Judgment; and third-party defendant David Michael Motor Car Corp.'s Motion for Summary Judgment; and the Court having considered the papers; and for the reasons given in the accompanying opinion;

It is on this 28th day of September, 2006,

ORDERED that Coast defendants' Motion for Partial Summary Judgment as to Counts One and Two of the Counterclaim is DENIED; it is further

ORDERED that Coast defendants' Motion for Summary Judgment as to the Amended Complaint is GRANTED as to Count Three and otherwise DENIED; it is further

ORDERED that Coast defendants' Motion to Exclude the Testimony of Albert Parziale is DENIED; it is further

ORDERED that MBUSA's Motion to Strike the Expert Testimony and Opinions of Howard M. Markovitz and John A. Del Roccili, Ph.D is GRANTED; it is further

ORDERED that MBUSA's Motion for Summary Judgment is GRANTED as to Count Two of its Amended Complaint, GRANTED as to Counts One, Two, and Five through Ten of Coast defendants' counterclaims, and DENIED as to Counts Three and Four of Coast defendants' counterclaims; it is further

ORDERED that third-party defendant Contemporary Motor Cars, Inc.'s Motion for Summary Judgment on all claims alleged against it is GRANTED; it is further

ORDERED that third-party defendant David Michael Motor Car Corp.'s Motion for Summary Judgment on all claims alleged against it is GRANTED; it is further

ORDERED that all claims against third-party defendants Contemporary Motor Cars, Inc. and David Michael Motor Car Corp. are hereby dismissed with prejudice; it is further

ORDERED that MBUSA's request for a permanent injunction is GRANTED. Pursuant to Fed. R. Civ. P. 65, Coast is hereby permanently enjoined from any use of the tradename, trademark, and servicemark "Mercedes-Benz," and the Mercedes-Benz logo and Three-Pointed Star, both two and three dimensional, registered in the United States Patent and Trademark Office under U.S. trademark and service mark registration numbers 1,045,081; 1,045,080; 1,060,986; 657,387; 661,311; and 657,386 on any property, real or personal, in any business dealings with any person or entity and in any advertisements.

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s/William H. Walls

United States Senior District Judge